IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH JAIPUR

JUDGMENT

S.B. CIVIL MISC. APPEAL NO.892/2006
SMT.PRABHATI DEVI V. SITA RAM YOGI AND OTHERS

DATE OF JUDGMENT :::: SEPTEMBER 04, 2006

PRESENT

HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr. Vinay Mathur, for the appellant

BY THE COURT

This appeal has been filed by the claimant for enhancement of compensation awarded by the Judge, Motor Accident Claims Tribunal and Additional District and Sessions Judge, Fast Track No.2, Jaipur District (hereinafter referred to as `the Tribunal'), vide its award dated 30.11.2005 in MAC Case No.85/2005 whereby compensation amounting to Rs.64,500/- has been awarded.

Brief facts of the case are that on 22.6.2002 the claimant along with others was going from Jaipur towards Village Barkheda by Jeep No. RJ-14P-6643 and when they reached near Jatwada bridge, the Jeep collided with a tree as a result whereof all the persons sitting in the Jeep sustained injuries.

The appellant submitted claim petition before the Tribunal for compensation amounting to Rs.11,00,000/-. The Tribunal after hearing the parties and considering 15.44% permanent disability suffered by the claimant awarded a sum of Rs.44,000/- on the head of `loss of earning

capacity', for the pain and agony suffered on account of the injuries sustained by her an amount of Rs.12,000/- has been awarded; towards loss of income an amount of Rs.4,500/- has been awarded and Rs.4,000/- for the treatment and nutritious food has been awarded. Thus, a total sum of Rs.64,500/- has been awarded as compensation.

Submission of the learned for the appellant is that compensation amounting to Rs.44,000/- awarded by the Tribunal for the loss of earning is on the lower side.

I have heard learned counsel for the appellant and considered the submission made by the learned counsel as also perused the impugned Award.

In my view, considering 15.44% permanent disability suffered by the claimant and on other counts, the Tribunal has rightly awarded compensation. amounting to Rs.64,500/- Which is just, legal and proper. No interference is called for in this appeal.

The appeal fails and is dismissed.

(PREM SHANKER ASOPA) J.

GOPAL